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Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

March 19, 2024

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/20/2024

Re: United States v. James Garlick
22-Cr-540 (VEC)

MEMO ENDORSED

Dear Judge Caproni:

We write to respectfully request that the Court set a briefing schedule for a plea withdrawal motion and adjourn James Garlick's sentencing, currently scheduled for March 26, 2024, accordingly.

As detailed in Mr. Garlick's March 14 letter to the Court, the government's March 13 sentencing submission urges the Court to adopt a substantially higher guidelines range—70 to 87 months' incarceration—than its *Pimentel* letter dated three days before Mr. Garlick's 2023 plea in this matter, relying on this new range to justify its recommended sentence of 87 months' incarceration. Dkt. 176. As a result, Mr. Garlick requested to file a response to address the government's unexpected demand that the Court calculate the advisory sentencing guidelines in a manner completely different than outlined in its *Pimentel* letter. *Id.* The Court granted Mr. Garlick's request; the response is currently due on March 20. Dkt. 177.

Mr. Garlick has since expressed his desire to withdraw his plea because of the government's eleventh-hour reimagining of his guidelines range. Accordingly, rather than respond to the government's sentencing memorandum by March 20, we respectfully request that the Court set a briefing schedule for a plea withdrawal motion and adjourn Mr. Garlick's sentencing hearing accordingly.

Sincerely,

/s/

Marne Lenox
Michael Arthus
Assistant Federal Defenders

212-417-8700

Cc: Counsel of record

Application GRANTED IN PART and DENIED IN PART.

Upon consideration of this letter motion and the Government's response at Dkt. 179, Mr. Garlick's request to adjourn today's deadline to respond to the Government's sentencing submission and to adjourn the sentencing scheduled for Tuesday, March 26, 2024, at 10:30 A.M. is DENIED.

Any motion to withdraw Mr. Garlick's guilty plea is due by **12:00 P.M. on Friday, March 22, 2024**. The Government's response is due by **9:00 A.M. on Monday, March 25, 2024**. Mr. Garlick's reply is due by **9:00 A.M. on Tuesday, March 26, 2024**.

SO ORDERED.



3/20/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE